

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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EVELYN A. SANTANA, *f/k/a* EVELYN  
A. HATCH, D.P.C.S., N.R.C.S. and J.A.C.S.,

Plaintiffs,

v.

BILLY R. HATCH,

Defendant.

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OPINION & ORDER

15-cv-089-wmc

Plaintiffs Evelyn A. Santana and her three minor children bring this civil action seeking enforcement of a sponsor's affidavit of support under 8 U.S.C. § 1183a. They allege that defendant Billy R. Hatch signed a Form I-864 in relation to each of the four plaintiffs, after which they became lawful permanent residents.<sup>1</sup> They also allege that since the execution of the Forms I-864, their household income has fallen below 125% of the Federal poverty line and that Hatch has failed to supplement that income as required by 8 U.S.C. § 1183a(1)(A). They seek an order requiring Hatch to pay the past, present and future financial support required by the terms of the Form I-864 as well as any other relief the court deems necessary.

Because plaintiffs are proceeding *in forma pauperis*, the court briefly screens the complaint to ensure that it: (1) is not frivolous or malicious; (2) states a claim on which relief can be granted; and (3) does not seek monetary relief from a defendant immune from such relief. *See* 28 U.S.C. § 1915(e)(2). Plaintiffs' complaint in this action easily satisfies the low threshold of screening and pleads a plausible claim for enforcement of the Form I-

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<sup>1</sup> The complaint attaches as exhibits each of the four Forms I-864. (*See* Compl. Ex. 1-4 (dkt. #1-3, 1-4, 1-5, 1-6).)

864. Accordingly, plaintiffs will be granted leave to proceed, and the court will order service of process on defendant.

ORDER

IT IS ORDERED that:

- 1) Plaintiffs Evelyn A. Santana, D.P.C.S., N.R.C.S. and J.A.C.S.'s request for leave to proceed on claims against defendant Billy R. Hatch is GRANTED.
- 2) The summons and complaint are to be delivered to the U.S. Marshal for service on defendant.

Entered this 1st day of April, 2015.

BY THE COURT:

/s/

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WILLIAM M. CONLEY  
District Judge